

July 21, 2009

## **The Final 21 Days Before the Primary**

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*I know this is a LOT of information, but I hope you will take a few minutes to peruse and refresh your memory. Call me if you have any questions, or if you want to run something by me. Good luck on the campaign trail!* -PG

### **FILING REPORTS**

Please note that while we frequently waive or reduce penalties when committees promptly correct their errors, we generally do not in the final week before the election.

**1. 21-DAY AND 7-DAY C4S**

You are required to file two C4 reports in the weeks leading up to the Election. One is due to be filed no later than 21 days before the election, on July 28th, and must report activity from the day after your last report through the close of business on July 27th. The second is due to be filed no later than 7 days before the election, on August 11th, and must report activity through the close of business on August 10th.

**2. REPORT OUTSTANDING OBLIGATIONS**

The C4 reports filed by your committee must report outstanding debts & obligations of the committee on Schedule B, Line 3. This includes obligations for which you have not yet received an invoice.

The campaign treasurer should contact each of the campaign's decision-makers after the close of business on July 27<sup>th</sup> and again on August 10<sup>th</sup> and ask if they have made any verbal agreements with vendors to purchase goods or services or reserve advertising or production space. If the exact amount of the obligation is not yet known, you must report an estimate of the amount.

In general, if you have made a commitment to pay someone, or if a vendor has done any work on your behalf expecting payment— whether or not it's legally enforceable— then you must report that activity as an obligation or a debt.

If you fail to report all required obligations your campaign will be subject to late filing penalties.

**3. INCLUDE INFORMATION ON SUB-VENDORS**

State and City law require that filers must also provide detailed information on sub-vendors your campaign consultant(s) have contracted with. For example, if you paid a consultant to put together a mail piece for your campaign, the consultant must provide you with the name, address and amount paid to the sub-vendor(s) e.g. mail house, post office, printer, graphic designer, list provider, etc. Report this information on the

Schedule A with your expenditures. Remember to report sub-vendor information on in-kind contributions and expenditures as well.

**4. PROVIDE DETAIL ON EXPENDITURES OF \$5,000 OR MORE**

For all expenditures of more than \$50, you must provide a description of the expense. For expenditures of \$5,000 or more, provide a narrative description. For example: for a mailing advertisement include the number of pieces, and the type of piece (such as doorhanger, postcard, 2-fold brochure).

**5. CONTINUE TO FILE C3S EACH MONDAY to report deposits made during the previous week.** If you did not make a deposit, you do not have to file a C-3.

**6. CONTRIBUTION LIMITS DURING THE FINAL 21 DAYS**

Candidate committees are subject to the \$700 contribution limit throughout the election cycle. A candidate can contribute no more than \$5,000 to his or her own campaign during the final 21 days. Before the 21<sup>st</sup> day, there is no limit to the amount the candidate can contribute to his or her own committee. State law does, however, place strict limits on the amount a candidate can be repaid after an election. Please contact the PDC directly before making a loan or contribution to your own committee.

Non-candidate committees may not accept any contribution or loan of more than \$5,000 in the aggregate during the final 21 days before the election.

Prior to the final 21 days, a committee may accept more than \$5,000 as long as that contribution is received by the committee before Tuesday, July 28<sup>th</sup>. The campaign then must deposit this check within five business days and report it as follows: 1) in a Special Report of Late Contributions by 4:30 p.m. on July 28<sup>th</sup>, and 2) on a C3 on or before the following Monday.

*Eg.* A candidate contributes \$10,000 to her campaign on July 15 (before the 21<sup>st</sup> day before the election). She can contribute up to \$5,000 more between July 28<sup>th</sup> and August 17 (during the 21 days before the election). *Candidates, please contact the PDC (at 877-601-2828 or [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov)) before contributing or loaning funds to your campaign.*

**7. SPECIAL REPORTS**

Late Contributions –The committee must file a Special Report of Late Contributions no later than 4:30 p.m. the next business day following the RECEIPT of any contribution from a single contributor of \$1,000 or more in the aggregate during the final 21 days before the election. Committees are required to file the Special report for a contribution that equals or exceeds \$1,000 on its own, or that totals \$1,000 or more in the aggregate when combined with other contributions from that person received during the final 21 days before the election.

The Special Report must disclose the name & address of the contributor, the date the campaign received the contribution and the amount of the contribution. Please note the contribution must also be reported on a C3 or C4 as appropriate.

Campaigns may use a PDC Form C-3 to report the special late contribution(s) in lieu of the Special Report as long as the C-3 is filed no later than 4:30 p.m. the next business day after the receipt of the contribution pursuant to SMC 2.04.265, and an electronic message is sent to the SEEC at the time the C-3 is filed stating that the Special Late Contribution is reported on the C-3 of (date) and (deposit amount).

Late Independent Expenditures – Independent Expenditure committees are required to file three items each time they make an expenditure of \$1,000 or more during the Final 21 days.

1) The committee must file a Special Report of Late Independent Expenditures no later than 4:30 p.m. the next business day after an expenditure is incurred. Please review the definition of expenditure in the Elections Code (the relevant portion is copied below).

“Expenditure” means a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. "Expenditure" also includes a promise to pay; and a payment or transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting or honoring any public official or candidate, or assisting in furthering or opposing any election campaign.... [SMC 2.04.010(17)]

2) The committee must file a copy of the independent expenditure advertising within two business days of disseminating the advertising with the SEEC. You can deliver to our office in person at 700 5<sup>th</sup> Ave, or by fax (206) 684-8590 or email to [polly.grow@seattle.gov](mailto:polly.grow@seattle.gov).

3) The committee must also file with each Special Report an affidavit of independence stating that the maker has made reasonable inquiry and determined that as to each of the following: the expenditure was made without consultation, collusion, or cooperation with (1) any candidate, candidate political committee, or ballot proposition committee that a reasonable person making the independent expenditure would expect to benefit from the expenditure; (2) the officers of such candidate's or proposition's political committee; or (3) such candidate's or committee's agents. The affidavit must be notarized or declared under penalty of perjury. The affidavit may be faxed (206-684-8590) or emailed ([polly.grow@seattle.gov](mailto:polly.grow@seattle.gov)) to the SEEC.

### **ELECTRONICALLY FILING THE SPECIAL REPORT**

File the Special Report electronically by logging in to the SEEC Electronic Filing System

<https://www2.ci.seattle.wa.us/ethics/filers/login.asp>

Use your SEEC issued User Name and password to upload the Special Report. If you don't have a user name and password, (the same you use for uploading and posting

reports to the City) contact:  
[bob.deweese@seattle.gov](mailto:bob.deweese@seattle.gov) or [polly.grow@seattle.gov](mailto:polly.grow@seattle.gov)

## **OTHER IMPORTANT STUFF TO REMEMBER**

### **8. SPONSOR IDENTIFICATION**

Remember to include the sponsor id on all of your advertising. During the last minute rush to get your message out, this one important item is frequently overlooked. City law is similar to State law, but it is not the same. Under City law, you must include the words “**Paid for by**” or “**Sponsored by**” followed by the name of the committee on broadcast advertising. Broadcast advertising includes cable, radio, and automated telephone ads (robocalls). The sponsor identification **must be clearly spoken** in all broadcast ads.

In print, you must include the words “Paid for by” or “Sponsored by” followed by the person or committee who paid for the advertising and that person’s or committee’s address.

Independent Expenditure advertisements must also include the sponsor id language as well as the following language:

"NOTICE TO VOTERS (Required by law): This advertisement is not authorized or approved by any candidate. It is paid for by (name, address, city, state)."

If the advertisement undertaken as an independent expenditure is undertaken by a nonindividual, other than a bona fide political party as defined in RCW 42.17.020(5), then the following notation must also be included:

"Top Five Contributors," followed by a listing of the names of the five persons or entities who or which, during the twelve (12)-month period before the date of the advertisement, made to the sponsor of the advertisement the largest contributions reportable under this chapter.

There is no provision in the City’s Elections Code for omitting this language from broadcast advertisements and it, too, **must be clearly spoken**. [SMC 2.04.290 B]

### **9. RECORDS AVAILABLE DURING THE FINAL 8 DAYS**

Campaign records must be available for public inspection for two hours on Monday, August 10th, and by appointment, Tuesday through Friday, August 11<sup>th</sup> – 14th, and also on Monday, August 17.

If you have not already designated a **time and place** for making your records available on **August 10th**, please send an email to [Wayne.Barnett@seattle.gov](mailto:Wayne.Barnett@seattle.gov) immediately providing this information.

To see what location and time we have on file for you, click on the Campaigns link from our site [www.seattle.gov/elections](http://www.seattle.gov/elections) Find your campaign name and click. Scroll to "Other Information from Most Recent C1."

#### **10. REQUESTING A CHANGE IN LOCATION FOR PUBLIC INSPECTION**

If you wish to change the place and/or time for public inspection of your records, you must seek written authorization from the Executive Director. Send your request (email is fine) to Wayne Barnett, Executive Director at:

Seattle Ethics and Elections Commission  
700 Fifth Avenue, Suite 4010  
P.O. Box 94729  
Seattle, WA 98124-4729  
[wayne.barnett@seattle.gov](mailto:wayne.barnett@seattle.gov)

#### **11. CALENDARS**

I have posted a list of all the important reporting dates on our website at [www.seattle.gov/elections](http://www.seattle.gov/elections)

Click on the link for Info for Filers, and then scroll down on the right to the 2009 Primary and General calendar.

If you have any questions about your filing requirements, please let me know.

Polly Grow  
SEEC  
700 Fifth Avenue, Suite 4010  
P.O. Box 94729  
Seattle, WA 98124-4729  
(206) 615-1248  
[polly.grow@seattle.gov](mailto:polly.grow@seattle.gov)